

REMARKS/ARGUMENTS

Claims 1, 3, 5-7, 10, 14-17, 19, and 21-23 are pending in the present application. Claims 2, 4, 8-9, 11-13, 18, 20, 24, and 25 are canceled. Claims 1, 3, 5-6, 10, 14-15, 17, 19, and 21-22 are amended. Support for the amendments may be found in the claims as originally filed and in Applicants' Specification at least on pages 6-7, Figures 4 and 5. Reconsideration of the claims is respectfully requested.

Applicants have canceled claims 2, 4, 8-9, 11-13, 18, 20, 24, and 25 and amended claims 1, 3, 5-6, 10, 14-15, 17, 19, and 21-22. Applicants do not concede in this application that the claims as originally filed are not patentable, as the present claims amendments and cancellations are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

I. Interview

On April 6, 2009, Applicants and the undersigned attorney conducted an interview to discuss the 35 U.S.C. § 101 rejection and the 35 U.S.C. § 103 rejection for the rejected claims. No agreement was reached.

II. 35 U.S.C. § 101: Claim 8

The Examiner included a statement in the Final Office Action stating that Applicants should state a disavowal statement for the 35 U.S.C. § 101 rejection of claim 8 sustained in the Final Office Action dated January 9, 2009. On April 2, 2009, the Examiner and the undersigned attorney discussed this rejection. The Examiner indicated that there was no 35 U.S.C. § 101 rejection against claim 8 and that statement was in error. Further, Applicants have canceled claim 8 here in this paper.

III. 35 U.S.C. § 101: Claims 1 and 3-7

The Examiner has rejected claims 1 and 3-7 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. Applicants have amended claim 1 to state, "receiving an input indicating that a file *is to be saved on a data processing system*" and "responsive to the selection of the file, returning the file to an appropriate application, wherein the requester

accesses the file in the appropriate application, wherein the *application is located on the data processing system.*” Amended claim 1 recites subject matter tied to a statutory class.

Accordingly, the 35 U.S.C. § 101 rejection against claims 1 and 3-7 has been overcome.

IV. 35 U.S.C. § 101: Claims 10 and 14-16

The Examiner has rejected claims 10, 14-16 under U.S.C. § 101 as being directed towards non-statutory subject matter. Applicants have amended claim 10. Amended claim 10 recites “*a bus system; a communications unit connected to the bus system; a memory connected to the bus system, wherein the memory includes a set of instructions; and a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to...*” Amended claim 10 recites subject matter tied to a statutory class. Accordingly, the 35 U.S.C. § 101 rejection against claims 10 and 14-16 has been overcome.

V. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 1, 3-10, 14-17, and 19-25 under 35 U.S.C. § 103(a) as being unpatentable over *Howard et al.*, Multiple Display File Directory and File Navigation System for a Personal Computer, U.S. Patent 6,185,574 (dated February 6, 2001)(hereinafter “*Howard*”), in view of *Peltonen et al.*, Method and System for Effectively Representing Query Results in a Limited Amount of Memory, U.S. Patent 5,926,807 (dated July 20, 1999)(hereinafter “*Peltonen*”). This rejection is respectfully traversed.

The Examiner states:

As per claims 1, 8, 10, and 17, *Howard et al.* disclose a system, which including data processing system for locating files in a hierarchical directories as detailed in col. 10, lines 10-12, col.12, lines 27-34, col.12, line 66 through col.14, line 6). In particular, *Howard et al.* disclose the claimed limitations wherein an input has been received indicating that a file is to be saved (See *Howard et al.* Fig. 15 in conjunction with steps 754 and 758, col.31, lines 18-23). *Howard et al.* specifically disclose that a user can retrieve a file where the file is saved as detailed in col.4, lines 55-57, col. 12, and lines 16-27); receiving a request from a requester for files associated with the unique identifier; responsive to the request, querying the data store for an identification of the files associated with the unique identifier; receiving a result from the data store; returning the result to the requester; receiving a selection of a file from the requester; and responsive to the selection of the file, returning the file to an appropriate application (e.g., *Howard et al.* show in Fig. 17 a possible record structure that the virtual directory system may implement to provide the services that are expected by the native file system.

By example, when a user "a requester" does request access to a file that they have selected from the virtual directory system from the virtual directory system the virtual directory system may return a file handle in response to the file open command, . . . Once the file handle is returned, the virtual directory system and the interceptor may then become a pass through device between the physical storage device and the various requests of the user) as detailed (See *Howard et al.* col. 16, lines 28-45). It is noted, however, *Howard et al.* did not specifically disclose the system for saving the file in association with a unique identifier in a data store, responsive to receiving an input, wherein the data store describes associations between files and unique identifiers and wherein files are retrieved based on unique identifiers.

On the other hand, *Peltonen et al.* disclose a system for effectively representing query result in a memory where files have been saved or stored (See *Peltonen et al.* Title and abstract, col.2, lines 55-67). In particular, *Peltonen et al.* achieved the claimed limitations of, saving the file in association with a unique identifier in a data store, responsive to receiving an input, wherein the data store describes associations between files and unique identifiers and wherein files are retrieved based on unique identifiers, by providing a bookmark associated with files as a unique identifier to identify files (See *Peltonen et al.* Abstract lines 14-19, col.9, lines 25-67, col.11, lines 16-39).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to modify the parallel virtual directory system of *Howard et al.* by incorporating the bookmark mechanism taught by *Peltonen et al.* because that would have enhanced the system of *Howard et al.* by allowing it to retrieve files or documents store in data store when a request to access to a file that they have selected from the virtual directory quickly and efficiently using the bookmark as a unique identifier and return the result appropriately in response to a request (See *Peltonen et al.* Abstract lines 14-19, col.8, lines 1-6).

Office Action dated January 9, 2009, pages 5-6.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In determining obviousness, the scope and content of the prior art are... determined; differences between the prior art and the claims at issue are... ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). "Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the

effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR Int’l. Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (April 30, 2007). “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)).” The cited prior art fails to teach or suggest all of the features of the claims.

Applicants address the rejection with respect to amended claim 1. Amended claim 1 is as follows:

1. A method in a data processing system for locating files, the method comprising:
 - receiving an input indicating that a given file is to be saved on the data processing system;
 - responsive to receiving the input, saving the given file in association with a unique identifier in a data store, wherein the data store describes associations between the files, wherein the unique identifier is used to retrieve the given file, and wherein the unique identifier is separate from a title and contents of the given file;
 - receiving a request from a requester for the files associated with the unique identifier, wherein the files are part of a commonly related set of files;
 - responsive to the request, querying the data store for an identification of the files associated with the unique identifier;
 - receiving a result from the data store, wherein the result is presented as a list containing the files associated with the unique identifier;
 - returning the result to the requester;
 - receiving a selection of a particular file from the result from the requester; and
 - responsive to the selection of the particular file, returning the particular file to an appropriate application, wherein the requester accesses the file in the appropriate application, wherein the application is located on the data processing system.

A. The cited prior art fails to teach or suggest “wherein the unique identifier is used to retrieve the given file, and wherein the unique identifier is separate from a title and contents of the given file.”

Neither *Howard* nor *Peltonen* teach or suggest “wherein the unique identifier is used to retrieve the given file, and wherein the unique identifier is separate from a title and contents of the given file”. *Howard* does not disclose a unique identifier as in claim 1, either as originally filed or as amended. The Examiner does not assert otherwise. Instead, the Examiner asserts that *Peltonen* discloses a “bookmark”, which the Examiner asserts to be equivalent to the “unique identifier” as disclosed in claim 1. However, the Examiner is incorrect in this assertion.

Peltonen recites as follows:

The table manages the amount of memory consumed to represent the result set by determining the level of row data information that each segment maintains for its rows. Each segment can be either a full information table segment (“full segment”), a partial information table segment (“partial segment”), or a minimal information table segment (“minimal segment”), indicating the level of row data information being retained in the segment for each of the subrange of rows contained by the segment. Full segments contain complete row information for the rows they contain, and may be used to immediately respond to requests for row data received by the table from the row sink. Partial and minimal segments, on the other hand, each contain progressively smaller portions of the row data, and may not be used to immediately respond to row data requests from the row sink. Rather, when the table receives a row data request for a row that is contained in a partial or minimal segment, the partial or minimal segment is converted to a full segment by retrieving row data for each of the contained rows from the row source. The row data request may then be serviced from this new full segment. *Partial segments preferably contain only the row information necessary to efficiently re-retrieve the remainder of the row data from the row source. This information is termed “a bookmark.”*

Peltonen, col. 3, lines 14-37 (emphasis added)

This portion discloses that the invention in *Peltonen* is directed to a table that manages the amount of memory consumed by a query and the resulting set of rows (see col. 3, lines 14-17 and Abstract). This portion also discloses that the table utilizes full segments and partial segments. The above-cited portion of *Peltonen* further recites that the table maintains these partial segments as part of a query result set. *Peltonen* reduces memory consumed by the query result set because the partial segment contains less content than a full segment. If the partial

segment needs to be accessed, the partial segment is converted to a full segment by retrieving row data for each of the contained rows from the row source. More importantly, a partial segment contains *only the row information necessary to efficiently re-retrieve the remainder of the row data from the row source*. This information included in the partial segment is called a *bookmark*. However, neither this portion nor any other portion of *Peltonen* teaches or suggests “wherein the unique identifier is used to retrieve the given file, and wherein the unique identifier is separate from a title and contents of the given file,” as in amended claim 1.

Amended claim 1 indicates that the unique identifier is *separate from a title and contents of the file*, but still may be used to retrieve a file from the data store. Therefore, the unique identifier is an additional identifier, separate to the title and to the contents in a file that may be used to search for a file. On the other hand, *Peltonen* teaches that the partial segment is used as a bookmark, whereby the partial segment contains actual row data. The actual row data is the same as the row data i.e. content included in the row source. In *Peltonen*, the difference between a full segment and partial segment is that the full segment contains “*complete row information for the rows they contain, and may be used to immediately respond to requests for row data received by the table from the row sink*,” (See *Peltonen*, column 3, lines 23-26). Thus, the full segment includes all the row data that would be available in the row data source. However, a partial segment only a minimal amount of content from the row data source.

Peltonen is contrary to amended claim 1 and fails to teach or suggest “wherein the unique identifier is used to retrieve the given file, and wherein the unique identifier is separate from a title and contents of the given file.” Thus, the Examiner has failed to establish a *prima facie* case of obviousness against amended claim 1, since *Peltonen* fails to teach or suggest a “unique identifier” as recited in amended claim 1. Due to these differences, the combination of the cited prior art fails to make amended claim 1 obvious.

B. The cited prior art fails to teach or suggest “receiving a request from a requester for files associated with the unique identifier, wherein the files are part of a related set of files.”

The cited prior art fails to make amended claim 1 obvious, because the cited prior art fails to teach or suggest “*receiving a request from a requester for the files associated with the unique identifier*, wherein the files are part of a commonly related set of files.”

Peltonen discloses bookmarks that are associated with rows of data to facilitate locating and retrieving data from rows that have a particular bookmark. As previously stated, the bookmark as taught in *Peltonen* is not equivalent to the unique identifier included in amended claim 1. Further clarifying this point, *Peltonen* fails to teach or suggest two or more rows of data that each have the same bookmark.

Peltonen discloses the following figure:

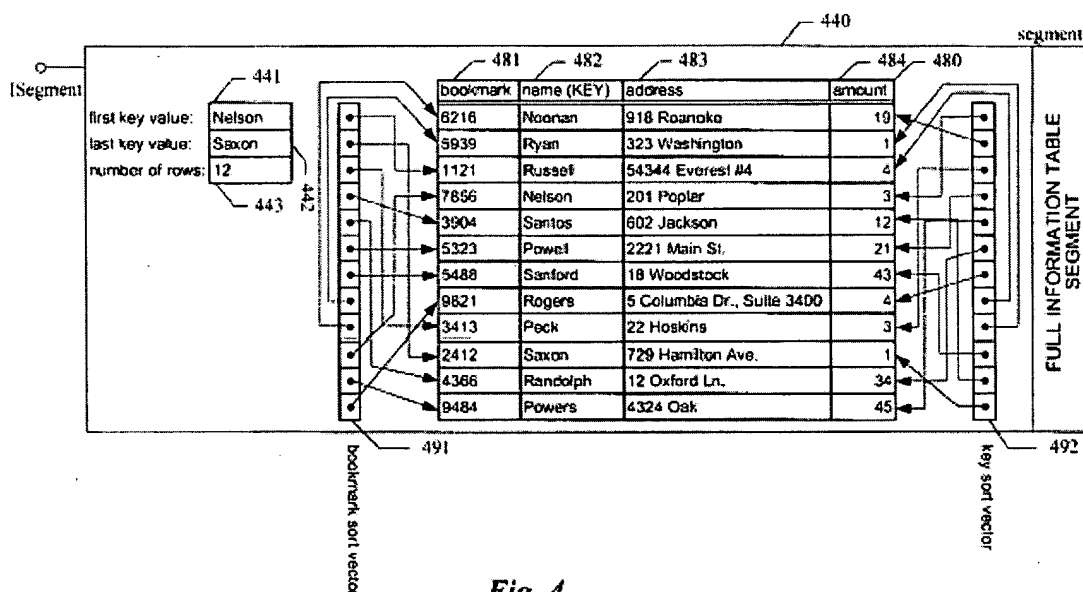


Fig. 4

Peltonen, Figure 4.

The cited figure does not teach or suggest two or more rows of data that each have the same bookmark. Indeed, *Peltonen*'s failure to teach or suggest two or more rows that have the same bookmark is expected because doing so would defeat the entire purpose of *Peltonen*'s bookmarks, which is to specify the location of a particular row for retrieval.

On the other hand, amended claim 1 recites, "receiving a request from a requester for files associated with the unique identifier, wherein the files are part of a related set of files." In amended claim 1, the same unique identifier is associated with multiple files. The bookmark in *Peltonen* is not equivalent to the unique identifier cited in amended claim 1. However, assuming *arguendo* that this were true, *Peltonen* still does not teach or suggest the features of amended claim 1 because *Peltonen* does not disclose utilizing the same bookmark to access two or more

rows. Further, the rows of query results in *Peltonen* are not equivalent to the related set of files in amended claim 1.

Howard does not cure *Peltonen*'s lack of disclosure. *Howard* discloses a parallel virtual directory system for organizing files on a computer system, but fails to teach or suggest the feature "receiving a request from a requester for *the files associated with the unique identifier*, wherein the files are part of a commonly related set of files." *Howard* fails to teach or suggest a unique identifier associated with a set of files and the Examiner does not assert otherwise. Therefore, the proposed combination of *Peltonen* and *Howard*, when considered as a whole, does not teach or suggest all of the features of amended claim 1.

C. The cited prior art fails to teach or suggest "responsive to receiving the input, saving the given file in association with a unique identifier in a data store."

The cited prior art fails to teach or suggest all elements of amended claim 1. *Peltonen* does not teach or suggest anywhere in its disclosure saving files in a data store or receiving a result from a data store. These elements were included in the originally filed claims, and the Examiner also indicated that *Peltonen* is entirely absent of any such disclosure. However, the Examiner asserts that *Howard* recites these elements. The Examiner points to the following section of *Howard*:

Fig.17 shows a possible record structure that the virtual directory system may implement to provide the services that are expected by the native file system. As discussed earlier, when a user does request access to a file that they have selected from the virtual directory system the virtual directory system may return a file handle in response to the file open command. However, before the file handle is returned for the user request, the virtual directory system may need to call or send a message to the interceptor module so that the requested file can then be opened on the physical storage device that contains the actual data. This sequence of events may be observed to ensure the file is indeed accessible on the target device and to take the necessary steps to load the appropriate media should it be off-line. Once the file handle is returned, the virtual directory system and the interceptor may then become a pass through device between the physical storage device and the various requests of the user.

Howard, col. 16, lines 27-45.

In this portion, *Howard* discloses that Figure 17 embodies a record structure for the virtual directory system as described in *Howard*. This portion further discloses that a user may

request a file from a virtual directory system and receive a file handle in return for the user request. Further, this portion discloses that before the file handle is returned, the virtual directory system calls or sends a message to an interceptor module to determine that the requested file can be opened on a physical media storage device. However, neither this portion nor any other portion of *Howard* teaches or suggests “responsive to receiving the input, *saving the given file in association with a unique identifier in a data store,*” as in amended claim 1.

The virtual directory described in *Howard* appears to the user as a typical directory representative of a physical file storage device. However, the virtual directory can only store file attribute information and is not affiliated with an actual physical storage device, unlike amended claim 1. This may be further seen in the following portion of *Howard*:

Also, a “virtual directory” is a directory of file information which can be presented to a computer operator, operating system, application program or some other aspect of a computer system as a directory that is representative of a physical file storage device(s); *however, this virtual file directory is merely an apparent or “virtual” directory since it can merely store file attribute information and is not actually affiliated with an actual physical storage device,* as one would associate the affiliation between one’s “C: hard drive” on an IBM personal computer and the directory listing for that hard drive.

Howard, col. 7, lines 27-37(emphasis added).

Here, *Howard* discloses that the virtual directory is a directory of file information for a variety of media storage devices. The virtual directory contains information solely regarding file attributes. The above-cited portion from *Howard* describes a record regarding a file. The record includes file attribute information. But, the virtual directory does not and cannot store the file, or any portion of the file in the virtual directory. Nor can the virtual directory store a unique identifier in association with the file, since *Howard* fails to teach or suggest associating a unique identifier with a file. On the other hand, amended claim 1 recites “responsive to receiving the input, *saving the given file in association with a unique identifier in a data store.*” Neither *Howard*, nor *Peltonen*, nor the combination of the cited prior art, teach or suggest all of the elements. Due to the absence of all the above-noted elements of amended claim 1 from the cited prior art, the Examiner has failed to state a *prima facie* case of obviousness against amended claim 1.

VI. Remaining Claims

Claims 10 and 17 are independent claims. Claims 10 and 17 contain features similar to those in amended claim 1, and for the reasons cited above, the Examiner has not stated a *prima facie* obviousness rejection against those claims as well.

Claims 3, 5-7, 14-16, 19, and 21-23 depend from independent claims 1, 10, and 17. By virtue of their dependency, the 35 U.S.C. § 103 rejection against claims 3, 5-7, 14-16, 19, and 21-23 is overcome. Furthermore, these claims recite combinations of features not found in the prior art. For example, claim 3 recites, "wherein the unique identifier is associated with a variety of file extensions for the commonly related set of files." Neither *Howard* nor *Peltonen* recite this element. As previously stated, *Peltonen* does not teach or suggest using a same identifier for multiple files, let alone a variety of file extensions. Neither does *Howard* teach or suggest this feature of claim 3.

Accordingly, the 35 U.S.C. § 103 rejection against claims 1, 3, 5-7, 10, 14-17, 19, and 21-23 has been overcome

VII. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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